



USCA DOCKET # (IF KNOWN)

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT CIVIL APPEALS DOCKETING STATEMENT

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

TITLE IN FULL: TRAFFICSCHOOL.COM, INC., a California corporation; DRIVERS ED DIRECT, LLC., a California limited liability company, Plaintiffs, v. EDRIIVER, INC., ONLINE GURU, INC., FIND MY SPECIALIST, INC., and SERIOUSNET, INC., California corporations; RAVI K. LAHOTI, an individual, RAJ LAHOTI, an individual; DOES 1 through 10, Defendants.	DISTRICT: CENTRAL		JUDGE: PERCY ANDERSON
	DISTRICT COURT NUMBER: CV067561 PA (CWx)		
	DATE NOTICE OF APPEAL FILED:	IS THIS A CROSS-APPEAL? <input type="checkbox"/> YES	
	IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY):		
BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW: Plaintiffs sued Defendants for Unfair Competition/False Advertising under Lanham Act, 15 U.S.C. section 1125(a) and Unfair Competition under Cal. Business & Professions Code section 17200. On the 17200 claim, Plaintiffs were found to lack standing. On the Lanham Act claim, all Defendants were found liable for false advertising and to have engaged in willful deception. Plaintiffs were found to have unclean hands, and therefore not entitled to monetary damages. The District Court entered a permanent injunction requiring Defendants to employ a splash page that visitors to the website DMV.ORG must view upon entry to the site.			
PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL: Plaintiffs' standing on the Lanham Act claim; the sufficiency of the findings on confusion; the finding that the DMV.ORG website is materially misleading; the finding of willful deception by Defendants; the finding of liability as to all Defendants; and the scope of injunctive relief ordered.			
PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POST JUDGMENT MOTIONS): None known.			
DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING: <input type="checkbox"/> Possibility of settlement <input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal <input checked="" type="checkbox"/> Likelihood of a motion to expedite or to stay the appeal or other procedural matters (Specify) _____ Motion to Stay Injunction Pending Appeal now pending in the district court. <input type="checkbox"/> Any other information relevant to the inclusion of this case in the Mediation Program _____ _____ _____			
Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges			
LOWER COURT INFORMATION			

JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
<input checked="" type="checkbox"/> FEDERAL QUESTION	<input checked="" type="checkbox"/> FINAL DECISION OF DISTRICT COURT	<input type="checkbox"/> DEFAULT JUDGMENT	<input type="checkbox"/> DAMAGES: SOUGHT \$ _____ AWARDED \$ _____
<input type="checkbox"/> DIVERSITY	<input type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT	<input type="checkbox"/> DISMISSAL/JURISDICTION	<input checked="" type="checkbox"/> INJUNCTIONS:
<input type="checkbox"/> OTHER (SPECIFY):	<input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY):	<input type="checkbox"/> DISMISSAL/MERITS	<input type="checkbox"/> PRELIMINARY
	<input type="checkbox"/> OTHER (SPECIFY):	<input type="checkbox"/> SUMMARY JUDGMENT	<input checked="" type="checkbox"/> PERMANENT
		<input checked="" type="checkbox"/> JUDGMENT/COURT DECISION	<input checked="" type="checkbox"/> GRANTED
		<input type="checkbox"/> JUDGMENT/JURY VERDICT	<input type="checkbox"/> DENIED
		<input type="checkbox"/> DECLARATORY JUDGMENT	<input type="checkbox"/> ATTORNEY FEES: SOUGHT \$ _____ AWARDED _____
		<input type="checkbox"/> JUDGMENT AS A MATTER OF LAW	<input type="checkbox"/> PENDING
		<input type="checkbox"/> OTHER (SPECIFY):	<input checked="" type="checkbox"/> COSTS: \$ _____

CERTIFICATION OF COUNSEL

I CERTIFY THAT:

1. COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED.
2. A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).
3. A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
4. I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.

Signature

9/12/08
Date

COUNSEL WHO COMPLETED THIS FORM

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THIS DOCUMENT SHOULD BE FILED IN THE DISTRICT COURT WITH THE NOTICE OF APPEAL
IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS